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### **REMARKS**

#### **I. Status of the Application.**

Claims 1-9, 11-18, and 24-29 of the Application were pending as of the date of the Office Action. In the Office Action, the Examiner:

- (a) rejected claims 1-9 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention;
- (b) rejected claims 1-9, 11-18, and 24-29 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter; and,
- (c) rejected claims 1-9, 11-18, and 24-29 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,953,707 to Huang et al. ("Huang").

In this response, Applicants respectfully amend claim 1. Claims 2-9, 11-18, and 24-29 also remain in the Application but are not amended. Applicants respectfully submit that the foregoing amendments and following remarks incorporated herein traverse or overcome the Examiner's rejections of and objections to the Application.

#### **II. Applicants' Remarks Do Not Constitute New Matter.**

Applicants respectfully submit that no new matter has been added by amending claim 1. Specifically, the amendment to claim 1 was made to point out and distinctly claim the subject matter of that claim by clarifying that the means for processing is for "processing project data." Applicants respectfully submit that the amendment is supported by the originally filed Application and does not add new matter. Specifically, support for this amendment is found in paragraph 0152 ("...the system includes a processor and a project data storing and retrieving

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means operably connected to the processor", paragraph 161 ("...the supply chain management system includes a processor and a data storage device operably connected to the processor", and paragraph 0250 ("[t]he processor of the present invention evaluates the project data..."). Accordingly, Applicants request that the amendment be entered and that claims 1-9, 11-18, and 24-29 of the Application proceed to allowance.

**III. The Rejection of Claims 1-9 under 35 U.S.C. § 112, Second Paragraph, as Allegedly Being Indefinite Should be Withdrawn.**

The Applicants respectfully submit that the rejection of claims 1-9 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, should be withdrawn in view of the amendment to claim 1. The Examiner stated that "the limitation of "means for processing" is not clear in the context" (Office Action, p. 2). Claim 1 has been amended to include the phrase "project data" following "means for processing" as is presently claimed in claim 1, thus pointing out and distinctly claiming the subject matter in claim 1. Applicants respectfully submit that support for this amendment for clarification purposes is supported by the originally filed Application and does not add new matter. In addition, claims 2-8 depends from and include all the limitations of claim 1. Accordingly, Applicants respectfully submit that the rejection of claims 1-9 is overcome and should be withdrawn.

**IV. The Rejection of Claims 1-9, 11-18, and 24-29 Under 35 U.S.C. § 101 as Allegedly Being Directed to Non-Statutory Subject Matter Should be Withdrawn.**

In the Office Action, the Examiner rejected claims 1-9, 11-18, and 24-29 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and

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useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." 35 U.S.C. § 101. "Process," as applicable to Title 35 of the United States Code, means "process, art, or method, and includes a new use of a known process, machine, manufacture, composition of matter, or material." 35 U.S.C. § 100(b). A claimed invention providing "a useful, concrete and tangible result" is patentable subject matter. *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1373 (Fed. Cir. 1998). However, a physical transformation or reduction is not required:

The notion of "physical transformation" can be misunderstood. In the first place, it is *not an invariable requirement*, but merely one example of how a mathematical algorithm may bring about a useful application. As the Supreme Court itself noted, "when [a claimed invention] is performing a function which the patent laws were designated to protect (e.g., transforming or reducing an article to a different state or thing), then the claim satisfies the requirements of § 101." *Diehr*, 450 U.S. at 192 (emphasis added). The "e.g." signal *denotes an example, not an exclusive requirement*."

*AT&T Corp. v. Excel Communications, Inc.*, 172 F.2d 1352, 1358-1359 (Fed. Cir. 1999) (emphasis added). In addition, the requirement of "physical limitations" in claims has little, if any, present value in view of current case law. *Id.* at 1359.

Claim 1 of the Application, as amended, claims, in part, a "means for storing and retrieving project data...operably connected to the processing means", "a project identifier to identify the project", and "a project customer identifier to identify the customer of the project" -- all of which are components of "a system for management of at least one project." Applicants respectfully submit that the claimed invention provides "a useful, concrete and tangible result", i.e. "a system for management of at least one project", and as such, is patentable in view of both the United States Code (as within the definition of "process" under 35 U.S.C. § 100(b) and as

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discussed under 35 U.S.C. § 101 as patentable subject matter) and current federal case law. Applicants respectfully submit that any requirement in *State Street Bank* for a "transforming or reducing an article to a different state or thing" is not "an exclusive requirement" for patentability under 35 U.S.C. § 101, especially in view of the Federal Circuit's subsequent holding in *AT&T*. *Id.* at 1358-1359. Accordingly, Applicants respectfully submit that the rejection of claims 1-9, 11-18, and 24-29 are overcome and should be withdrawn because claims 1-9, 11-18, and 24-29 provide "a useful, concrete and tangible result" and are within the scope of patentable subject matter under the United States Code and current federal case law.

V. **The Rejection of Claims 1-9, 11-18, and 25-29 under 35 U.S.C. §102(e) as Being Anticipated by Huang Should Be Withdrawn Because Huang Does Not Disclose All of the Claim Limitations of These Claims.**

In the Office Action, the Examiner rejected claims 1-9, 11-18 and 24-29 under 35 U.S.C. § 102(e) as allegedly being anticipated by Huang. A rejection under 35 U.S.C. § 102(e) can be overcome by showing that the prior art does not disclose all the limitations of the claims or amending the claims to patentably distinguish over the prior art. MPEP §706.02(b). In addition, where a reference is alleged to inherently disclose a claim element, the missing element must necessarily be present in the cited reference and that it be so recognized by those of skill in the art. It is not enough that the missing element is possibly or probably present. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999).

Applicants respectfully submit that the rejection of claims 1-9, 11-18 and 24-29 under 35 U.S.C. § 102(e) is traversed and should be withdrawn because claims 1-9, 11-18 and 24-29 are patentably distinguishable over Huang, and because Huang does not teach (expressly or

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inherently) all of the limitations of any of these claims as would be required by MPEP § 2131 to support an anticipation rejection.

There are four independent claims within claims 1-9, 11-18 and 24-29, namely claims 1, 11, 13 and 24. With respect to three of the independent claims, namely claims 1, 13 and 24, Huang fails to disclose, teach, or suggest the Applicants' claimed "methodology." With respect to claim 11, Huang fails to disclose, teach, or suggest the steps of monitoring, evaluating, and comparing entered data as claimed by Applicants.

A. Description of "Methodology" as Claimed in the Application

Claims 1 and 13 of the Application claim "at least one methodology," and claim 24 claims "a methodology." The Application generally describes a "methodology" as "govern[ing] the project to ensure that the correct process(es) is (are) followed to establish the manufacturing capability to reliably produce parts of a given quality to a given set of specifications." (Application, paragraph 0241.) The Application further describes "methodologies" as being "templates created by the quality director and used on projects." (*Id.*) The "methodology template" is explained as "describ[ing] the phases or milestones (quality gates) required of a project and the document deliverables that are expected at those quality gates." (Application, paragraph 0151). In addition, "by applying a methodology to a project, the part is designed, developed, tested, manufactured etc. in compliance with the methodology(ies) applied to the project." (*Id.*) Applicants respectfully submit that these descriptions demonstrate, at a minimum, that a "methodology" (a) governs a project to ensure processes are followed to produce parts of a particular quality to a given set of specifications, by (b) the use of

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methodology templates on projects that (c) describe specific quality gates and the deliverables expected at those quality gates.

The Application further describes the state of the art at the time of the application as not comprising the aforementioned methodologies:

These basic embodiments of the system and method of the present invention provide a framework for collaboration on all projects of a supply chain using a communicative platform. The imposition of requirements, measurement, and control ensure that the appropriate methodology(ies) is (are) applied to the projects of the supply chain. *In prior art systems, there exists no means to ensure such imposition and no platform to enable revision of the methodologies and application of the latest revision. Instead, prior art systems are dependent upon disjointed communication between individuals in the supply chain.*

(Application, paragraph 0155, emphasis added).

B. Huang Does Not Disclose, Teach, or Suggest a "Methodology" as Claimed in Applicants' Claims 1, 13 and 24

Applicants respectfully submit that Huang does not disclose, teach, or suggest a "methodology" as claimed in claims 1, 13 and 24 of the Application. The Examiner directs the Applicants to the following references in Huang for allegedly teaching a "methodology" of the claimed invention: (1) Aggregate Production Plan, col. 113-114 (Office Action, p. 4), (2) DSS frame decisions from systems integrator, fig. 37 (Office Action, p. 4), (3) supply chain network configurator, fig. 38 and col. 92, line 27 to col. 93, line 61 (Office Action, p. 5), and (4) evaluation of decision alternatives, col. 97, line 2 to col. 98, line 3, and figs. 41-42 (Office Action, p. 7). Applicants respectfully submit that the aforementioned references cited by the Examiner do not disclose, teach or suggest a "methodology" as claimed by Applicants in claims 1, 13 and 24.

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1. The "Aggregate Production Plan" of Huang Does Not Disclose, Teach, or Suggest a "Methodology Applicable to the Project" as Claimed in Claim 1 of the Application

The Examiner refers the Applicants to the Aggregate Production Plan (col. 113-114 of Huang) to support an argument that Huang teaches "data representative of the at least one *methodology* of the project" (emphasis added) as claimed in claim 1 of the Application. Applicants respectfully disagree with the Examiner for at least the reason that the aggregate production plan in Huang does not "describe specific quality gates and the deliverables expected at those quality gates" as stated above in the Applicants' explanation of a "methodology" as supported by the Application (element (c), as noted in IV(A) above). At a minimum, for instance, Huang fails to teach "a means for storing and retrieving the project data" including "data representative" of a "methodology applicable to the project" as claimed in claim 1 of the Application.

The Aggregate Product Plan of Huang as disclosed in col. 113-114 contains two sets (charts) of information including the headings "Field Identifier," "Field Type," and "Description." The "Field Identifier" column contains a number of different identifiers of a particular type (as noted in the "Field Type" column), with descriptions (as noted in the "Description" column) for each identifier. For example, "TimePeriod" is a "Date/Time" identifier that describes the "Time period number."

As described above, a "methodology", according to the disclosures in the Application, (a) governs a project to ensure processes are followed to produce parts of a particular quality to a given set of specifications, by (b) the use of methodology templates on projects that (c) describe specific quality gates and the deliverables expected at those quality gates. Applicants

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respectfully submit that the Aggregate Production Plan of Huang as described above neither describes *any* quality gates, nor does it describe *any* deliverables expected at those quality gates. As such, Applicants respectfully submit that the Aggregate Production Plan of Huang cannot be considered as a project methodology template in accordance with the Application, and accordingly, there is no teaching in the Aggregate Production Plan of Huang to govern a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications.

In summary, the Field Identifier/Field Type/Description charts of the Aggregate Production Plan of Huang simply do not rise to the level of a "methodology " or a "methodology template" of the claimed invention. Accordingly, Applicants respectfully submit that the Aggregate Production Plan of Huang does not disclose, teach, or suggest "data representative of the at least one methodology of the project" as claimed in claim 1 of the Application, and Applicants respectfully submit that claim 1 is patentable, and the rejection of claim 1 under 35 U.S.C. § 102(e) as being anticipated by Huang is traversed and should be withdrawn.

Claims 2-9 depend from and include all the limitations of claim 1, and, as discussed above, claim 1 is believed to be allowed as patentable over Huang. Therefore, it is respectfully submitted that claims 2-9 are also allowable, and Applicants respectfully submit that the rejection of claims 2-9 as being anticipated by Huang is also traversed and should be withdrawn.



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2. The "DSS Frame Decisions From Systems Integrator" and the "Supply Chain Network Configurator" of Huang Do Not Disclose, Teach, or Suggest a "Methodology Applicable to the Project" as Claimed in Claim 13 of the Application

The Examiner refers the Applicants to the DSS frame decisions from systems integrator (Fig. 37) to support an argument that Huang teaches "a first database comprising data representative of at least one *methodology* applicable to the project" (emphasis added) as claimed in claim 13 of the Application. Additionally, the Examiner refers the Applicants to the supply chain network configurator (Fig. 38 and col. 92, line 27 to col. 93, line 61) to support an argument that Huang teaches "the controlling means using the indicated *methodology(ies)* of the project for such control" (emphasis added) as claimed in claim 13 of the Application. Applicants respectfully disagree with the Examiner for at least the reason that neither the DSS frame decisions from systems integrator nor the supply chain network configurator in Huang "describe specific quality gates and the deliverables expected at those quality gates" as stated above in the Applicants' explanation of a "methodology" as supported by the Application (element (c)).

The DSS frame decisions from systems integrator of Huang as disclosed in fig. 37 contains three sections of information including the headings "DSS FRAME DECISIONS FROM SYSTEMS INTEGRATOR", "NETWORK SIMULATOR", and "OUTPUT MEASURES", all of which are connected in sequence (by arrows on Fig. 37). The content of the three sections include acronyms, decisions, supplier and customer interactivity (within the "NETWORK SIMULATOR"), and a list of output measures.

The supply chain network configurator of Huang as disclosed in Fig. 38 contains seven nodes or sections including "COMPONENT NODE", "PRODUCTION NODE", "INVENTORY

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NODE", "DEMAND NODE", "LINK INFORMATION", "SUPPLY CHAIN NETWORK", and "TRANSPORTATION FACTORS", all of which are connected to the central "SUPPLY CHAIN NETWORK CONFIGURATOR" by arrows on Fig. 38. The Examiner also cites col. 92, line 27, to col. 93, line 61 (the "Scenario Management" and "Performance monitoring using simulation" sections) in support of the Examiner's allegation that Huang teaches "the controlling means using the indicated methodology(ies) of the project for such control" as claimed in Applicant's claim 1.

As described above, a "methodology", according to the disclosures in the Application, (a) governs a project to ensure processes are followed to produce parts of a particular quality to a given set of specifications, by (b) the use of methodology templates on projects that (c) describe specific quality gates and the deliverables expected at those quality gates. Applicants respectfully submit that the DSS frame decisions from systems integrator of Huang as described above neither describes *any* quality gates, nor does it describe *any* deliverables expected at those quality gates. None of the three sections of information in the DSS frame decisions from systems integrator of Huang describe any specific measures of quality, and similarly, none of the three sections, including the "OUTPUT MEASURES" section, describe or disclose a single deliverable whatsoever. The DSS frame decisions from systems integrator of Huang is clearly labeled as including decisions and output measures, and explicitly does not include the aforementioned "methodology" element as described above. In addition, Applicants respectfully submit that the DSS frame decisions from systems integrator of Huang would not be considered as a project methodology template in accordance with the Application (because no methodology information is included in Huang), and accordingly, there is no teaching in the DSS frame

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decisions of Huang to govern a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications.

Similarly, Applicants respectfully submit that the supply chain network configurator of Huang as described above neither describes *any* quality gates, nor does it describe *any* deliverables expected at those quality gates. None of the seven sections of information pointing to the central "SUPPLY CHAIN NETWORK CONFIGURATOR" in the supply chain network configurator (Fig. 38) of Huang describe any specific measures of quality, and none of those sections describe or disclose a single deliverable whatsoever. Those seven sections are admittedly "NODES", "LINK INFORMATION", "SUPPLY CHAIN NETWORK", and "TRANSPORTATION FACTORS" for the central "SUPPLY CHAIN NETWORK CONFIGURATOR", none of which can be considered as a "methodology" of the claimed invention. In addition, Applicants respectfully submit that the supply chain network configurator of Huang would not be considered as a project methodology template in accordance with the Application (because no methodology information is included in Huang), and accordingly, there is no teaching in the supply chain network configurator of Huang to govern a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications. The "Scenario Management" and "Performance monitoring using simulation" sections of Huang as referenced by the Examiner similarly fail to disclose a "methodology" of the claimed invention, as those sections merely disclose details on particular "scenarios" and "monitoring" of the performance in the disclosed DSS architecture, respectively, and neither of which disclose any of the aforementioned elements of a "methodology" of the claimed invention, which are, at a minimum, required for a "methodology" in accordance with the Application.

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In summary, the "DSS FRAME DECISIONS FROM SYSTEMS INTEGRATOR", "NETWORK SIMULATOR", and "OUTPUT MEASURES" of the DSS frame decisions from systems integrator of Huang simply do not rise to the level of a "methodology" or a "methodology template" of the claimed invention. Similarly, the components of the supply chain network configurator of Huang simply do not rise to the level of a "methodology" or a "methodology template" of the claimed invention. In addition, the disclosed "Scenario Management" and "Performance monitoring using simulation" sections of Huang fail to disclose, teach, or suggest a "methodology" of the claimed invention. Accordingly, Applicants respectfully submit that these disclosures of Huang also do not disclose, teach, or suggest a "data representative of at least one methodology applicable to the project" as claimed in claim 13 of the Application. Further, Applicants respectfully submit that claim 13 is patentable, and the rejection of claim 13 under 35 U.S.C. § 102(e) as being anticipated by Huang is traversed and should be withdrawn.

Claims 14-18 depend from and include all the limitations of claim 13, and, as discussed above, claim 13 is believed to be allowed as patentable over Huang. Therefore, it is respectfully submitted that claims 14-18 are also allowable, and Applicants respectfully submit that the rejection of claims 14-18 as being anticipated by Huang is also traversed and should be withdrawn.

3. The "Evaluation of Decision Alternatives" of Huang Does Not Disclose, Teach, or Suggest an "Evaluation Subsystem" as Claimed in Claim 24 of the Application

The Examiner refers the Applicants to the evaluation of decision alternatives (col. 97, line 2 to col. 98, line 3, and Figs. 41-42) to support an argument that Huang teaches "an

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evaluation [sub]system operable by the processing means for evaluating the project in view of the project *methodology*, and for evaluating the sub-project in view of the sub-project *methodology*" (emphasis added) as claimed in claim 24 of the Application. Applicants respectfully disagree with the Examiner for at least the reason that the evaluation of decision alternatives in Huang do not disclose, teach, or suggest an "evaluation subsystem" as claimed in claim 24, and the decision alternatives do not "describe specific quality gates and the deliverables expected at those quality gates" as stated above in the Applicants' explanation of a "methodology" as supported by the Application (element (c)).

Fig. 41 of Huang discloses a "supply chain simulation model [that] primarily mimics the material and information flow controlled by the frame decisions along the supply chain." (Huang, col. 95, ll. 11-13.) The "inputs" required are "the decisions that will effect the total performance of the supply chain" (Huang, col. 95, ll. 29-30), and the "outputs" are "based on the performance assessment plan of the DSS" and include items such as "On-time delivery rate, Component inventory levels, Order cycle time," and the like. (Huang, col. 95, ll. 41-45.) Fig. 42 of Huang discloses a partial flowchart, including the review of data and information, posing a problem, the examination of input by DSS, a decision to be made regarding consistency, DSS output, a question regarding the satisfaction of results, and if yes, the end of the session.

Applicants respectfully submit that neither Fig. 41 nor Fig. 42 of Huang disclose, teach, or suggest "an evaluation subsystem operable by the processing means for evaluating the project in view of the project methodology, and for evaluating the sub-project in view of the sub-project methodology" as claimed in claim 24. Huang discloses "users reviewing 402 the initial conditions and default values related to a decision problem retrieved from the DSS Database"

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and the communications of the users regarding their "preferences through proper selection of options, specification of parameters and values, and choice of analysis routines" that are then examined by the DSS Database." (Huang, col. 97, ll. 31-39.) Applicants respectfully submit that this process (described in Huang regarding Fig. 42), at best, is a user review of one level of data (top portion of Fig. 42), and as such, cannot be "an evaluation subsystem...for evaluating *the project* in view of the project methodology, and for evaluating *the sub-project* in view of the subproject methodology" (emphasis added) as claimed in claim 24, which clearly demonstrates evaluations of at least two specific levels (project level and sub-project level). Accordingly, Applicants respectfully submit that Figs. 41 and 42 of Huang fail to teach, disclose, or suggest such a multi-level evaluation subsystem as claimed in claim 24.

In addition, and as described above, a "methodology", according to the disclosures in the Application, (a) governs a project to ensure processes are followed to produce parts of a particular quality to a given set of specifications, by (b) the use of methodology templates on projects that (c) describe specific quality gates and the deliverables expected at those quality gates. Applicants respectfully submit that the evaluation of decision alternatives of Huang as described above neither describes *any* quality gates, nor does it describe *any* deliverables expected at those quality gates. Applicants respectfully submit that Fig. 41 of Huang does disclose sections titled "DEFINE PERFORMANCE MEASURE" and "'WHAT-IF" SCENARIO TEST", and that Fig. 42 of Huang discloses the examination of input by DSS as well as "DSS OUTPUT". However, neither of these sections, nor any other section as disclosed in Figs. 41-42 and cols. 95 and 96 of Huang, describe any specific measures of quality, and none of those sections describe or disclose a single deliverable whatsoever. Accordingly, none of those

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sections would be considered as a "methodology" of the claimed invention. In addition, Applicants respectfully submit that the evaluation of decision alternatives of Huang would not be considered as a project methodology template in accordance with the Application (because no methodology information is included in Huang), and accordingly, there is no teaching in the evaluation of decision alternatives of Huang to govern a project to *ensure* processes are followed to produce parts of a particular quality to a given set of specifications.

In summary, the components of the evaluation of decision alternatives of Huang simply do not rise to the level of a "methodology" or a "methodology template" of the claimed invention. Applicants respectfully submit that these disclosures of Huang also do not disclose, teach, or suggest "an evaluation [sub]system operable by the processing means for evaluating the project in view of the project methodology, and for evaluating the project in view of the project methodology" as claimed in claim 24 of the Application, and Applicants respectfully submit that claim 24 is patentable, and the rejection of claim 24 under 35 U.S.C. § 102(e) as being anticipated by Huang is overcome and should be withdrawn.

Claims 25-29 depend from and include all the limitations of claim 24, and, as discussed above, claim 24 is believed to be allowed as patentable over Huang. Therefore, it is respectfully submitted that claims 25-29 are also allowable, and Applicants respectfully submit that the rejection of claims 25-29 as being anticipated by Huang is also traversed and should be withdrawn.

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C. The "Supply Management Process" and the "Demand Management Process" of Huang Do Not Disclose, Teach, or Suggest the Monitoring, Evaluating, and Comparing of Entered Data as Claimed in Claim 11 of the Application

Applicants respectfully submit that as previously discussed, Huang does not disclose, teach, or suggest all of the claim limitations of Applicants' claim 11. The Examiner directs the Applicants to the following two references in Huang: (1) Supply Management process, col. 13, line 45 to col. 14, line 4, and (2) Demand Management process, col. 12, line 51 to col. 13, line 7 (Office Action, p. 6). Applicants respectfully submit that the aforementioned references cited by the Examiner do not disclose, teach or suggest the elements of "(c) monitoring the computerized system for entry of data by the supplier identified by the supplier identifier of the project record", "(d) evaluating the entered data for relevance to the *at least one requirements* applicable to the project, and if not relevant returning to step (c)" (emphasis added), and "(e) comparing the entered data to the at least one measurement criterion of the relevant *at least one requirement*, and if the entered data does not satisfy the at least one measurement criterion, returning to step (c)" (emphasis added) as claimed in Applicants' claim 11. Neither the specific cited references in Huang by the Examiner nor any other reference of Huang discloses the "at least one requirements applicable to the project" limitation of claim 11, let alone any steps of evaluating or comparing such "at least one requirement."

Applicants respectfully submit the supply management and demand management processes of Huang are processes that gather and analyze certain information in order to provide advice for decision makers to use in determining whether or not to produce a product or the amount of product to produce. (Huang, cols. 12-14.) The system of Huang also functions to



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determine the feasibility and the economic viability of changes in certain aspects of the supply chain (*i.e.*, production ability, demand for the product, etc.). (Huang, col. 13.)

In contrast to the foregoing, the "requirements" of Applicants' claim 11 pertain to the requirements that make up the methodologies of the system. In the system of claim 11, in order for one methodology to be completed, the requirements of the methodology must be met. Unlike the system disclosed in Huang, the requirements of the system of claim 11 do not involve analysis of information and/or forecasting for present or future demand. Rather, the claimed requirements of claim 11 include, for example, complying with industry standards and any special conditions specified by the customer that is to be supplied by the end product. Moreover, the claimed requirements of claim 11 must be met to comply with the broader defined methodology. For the above foregoing reasons, Applicants respectfully submit that Huang does not disclose "(a) creating and storing ... *at least one requirement* applicable to at least one of the at least one projects of the supply chain ... (d) evaluating the entered data for relevance to the *at least one requirements* applicable to the project ... ; and (e) comparing the entered data to the at least one measurement criterion of the relevant *at least one requirement*," (emphasis added) as claimed in Applicants' claim 11.

In summary, the components of the evaluation of decision alternatives of Huang simply do not rise to the level of a "methodology" or a "methodology template" of the claimed invention, or of "at least one requirement" of the project. Thus, Huang cannot be construed to evaluate or compare such data. Accordingly, Applicants respectfully submit that these disclosures of Huang also do not disclose, teach, or suggest the "at least one requirement" as claimed in claim 11 of the Application. Applicants respectfully submit that claim 11 is

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patentable, and the rejection of claim 11 under 35 U.S.C. § 102(e) as being anticipated by Huang is overcome and should be withdrawn.

In addition, claim 12 depends from and includes all the limitations of claim 11, and as discussed above, claim 11 is believed to be allowed as patentable over Huang. Therefore, it is respectfully submitted that claim 12 is also allowable, and Applicants respectfully requests that the rejection of claim 12 as being anticipated by Huang is also overcome and should be withdrawn.

D. Huang Does Not Suffice as a 35 U.S.C. § 102 Prior Art Bar to Patentability of Claims 1-9, 13-18, and 24-29

Applicants respectfully submit that, for the aforementioned reasons, Huang does not suffice as a 35 U.S.C. § 102(e) prior art bar to patentability of claims 1-9, 13-18, and 24-29 of the Application. A prior art patent, publication, or event is for the same "invention," as that word is used in 35 U.S.C. § 102, and therefore anticipating, if the prior art patent, publication or event discloses each and every limitation found in the claims, either expressly or inherently. *Rockwell Intern. Corp. v. U.S.*, 147 F.3d 1358, 1363 (Fed. Cir. 1998); *Electro Med Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052 (Fed. Cir. 1994). "[A] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131.01. Omission of any claimed element, no matter how insubstantial, is grounds for traversing a rejection based on 35 U.S.C. § 102. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983).

Applicants respectfully submit that Huang does not disclose, teach, or suggest "each and every limitation found in the claims" of the Application, specifically because Huang does not

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disclose, teach, or suggest a "methodology" or the monitoring, evaluating, and copying of representative data of the claimed invention. In addition, and even if viewed as "insubstantial," Applicants respectfully submit that the omission of a "methodology" from Huang is sufficient to overcome the rejection based on 35 U.S.C. § 102. Accordingly, Applicants respectfully submit the Examiner's rejections of claims 1, 11, 13, and 24 under 35 U.S.C. § 102(e) as being anticipated by Huang are overcome and should be withdrawn.

In addition, claims 2-9 depend from and include all the limitations of claim 1, claim 12 depends from and includes all the limitations of claim 11, claims 14-18 depend from and include all the limitations of claim 13, and claims 25-29 depend from and include all the limitations of claim 24. As discussed above, claims 1, 11, 13, and 24 are believed to be allowed as patentable over Huang as Applicants believe that Huang does not suffice as a prior art bar to patentability of the Application. Therefore, it is respectfully submitted that claims 2-9, 12, 14-18, and 25-29 are also allowable, and Applicants respectfully request that the rejections of claims 2-9, 12, 14-18, and 25-29 as being anticipated by Huang are overcome and should be withdrawn.

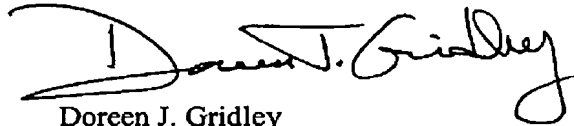
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**CONCLUSION**

For all of the foregoing reasons, it is respectfully submitted that claims 1-9, 11-18, and 24-29 are allowable claims. Allowance of this Application is therefore respectfully requested. In the event Applicants have inadvertently overlooked the need for payment of any fees or extensions of time, Applicants conditionally petition therefor, and authorize any deficiency to be charged to deposit account 09-0007. When doing so, please reference the above-listed docket number.

Respectfully submitted,

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DJG/MCR

Enclosures: Transmittal Form PTO/SB/21 (09-04)  
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